

State Water Resources Control Board

Division of Drinking Water

September 10, 2018

System No. 1000562

Ms. Sandra Robles
Southwest Transportation Agency
16644 S. Elm
Caruthers, CA 93609

COMPLIANCE ORDER NO. 03_23_18R_028 1,2,3-TRICHLOROPROPANE (1,2,3-TCP) MAXIMUM CONTAMINANT LEVEL VIOLATION

Enclosed is Compliance Order No. 03_23_18R_028 (hereinafter "Order") issued to the Southwest Transportation Agency water system (hereinafter "Water System"). Please note there are legally enforceable deadlines associated with this Order starting on page 4 of the Order.

The Water System will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this Order. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with an order. At this time, the State Water Board has spent approximately 2 hour(s) on enforcement activities associated with this violation.

The Water System will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Water System for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the state board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Compliance Order contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

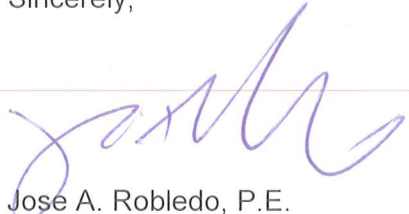
Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the state board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Sudarshan Poudyal of my staff or me at 559 447 3300.

Sincerely,



Jose A. Robledo, P.E.
Senior Water Resource Control Engineer, Fresno District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Certified Mail No. 70180040000031597438

JAR/SP

Enclosures

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Southwest Transportation Agency

Water System No: 1000562

Attention: Ms. Sandra Robles
16644 S. Elm
Caruthers, CA 93609

Issued: September 10, 2018

COMPLIANCE ORDER FOR NONCOMPLIANCE
1,2,3-TCP MAXIMUM CONTAMINANT LEVEL VIOLATION
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64444
SECOND AND THIRD QUARTER OF 2018

The California Health and Safety Code (hereinafter "CHSC"), Section 116655 authorizes the State Water Resources Control Board (hereinafter "State Water Board") to issue a compliance order to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Water Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues Compliance Order No. 03_23_18R_028 (hereinafter "Order") pursuant to Section 116655 of the CHSC to the Southwest Transportation Agency water system (hereinafter "Water System") for violation of CHSC, Section 116555(a)(1) and California Code of Regulations (hereinafter "CCR"), Title 22, Section 64444 Maximum Contaminant Levels (hereinafter "MCL") – Organic Chemicals.

A copy of the applicable statutes and regulations are included in Appendix 1, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

The Water System is classified as a nontransient noncommunity public water system with a population of at least 25 persons served by a single service connection. The Water System operates under a Domestic Water Supply Permit No. 03-23-10P-001 issued on January 20, 2020. The Water System utilizes Well No. 1 as its sole source of domestic water.

CHSC, Section 116555(a)(1) requires all public water systems to comply with primary drinking water standards as defined in CHSC, Section 116275(c). Primary drinking water standards include maximum levels of contaminants and the monitoring and reporting requirements as specified in regulations adopted by the State Water Board that pertain to maximum contaminant levels.

The Water System initiated quarterly sampling for 1,2,3-TCP from Well No. 1 in the second quarter of 2018. A summary of the 1,2,3-TCP results and calculated Running Annual Average (RAA) is presented in Table 1:

Table 1 – 1,2,3-TCP Sample Results (mg/L)

1,2,3-TCP MCL is 0.000005 mg/L

Compliance Period	Well No. 1	Running Annual Average
05/16/2018	0.000058	0.000015*
08/06/2018	0.000063	0.000030*

* If any sample would cause the running annual average to exceed the MCL, the water system is immediately in violation.

DETERMINATION

CCR, Title 22, Section 64444, Maximum Contaminant Levels – Organic Chemicals states that public water systems shall comply with the primary MCLs established in table 64444-A (see Appendix 1). The MCL for 1,2,3-TCP is 0.000005 mg/L.

CCR, Title 22, Section 64445.1(c)(5)(C) Repeat Monitoring and Compliance – Organic Chemicals states that if any sample would cause the running annual average to exceed the MCL, the water system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

Table 1 shows that the running annual average of the samples collected on May 16, 2018 and August 6, 2018 is 0.000030 mg/L and exceeds the 1,2,3-TCP MCL. Therefore, the State Board has determined that the Water System has failed to comply with primary drinking water standards pursuant to CHSC, Section 116555(a)(1) and the 1,2,3-TCP MCL pursuant to CCR, Title 22, Section 64444 during the second and third quarter of 2018.

DIRECTIVES

To ensure that the water supplied by the Water System is at all times safe, wholesome, healthful, and potable, the Water System is hereby directed to take the following actions:

1. On or before **September 30, 2021**, comply with CCR, Title 22, Section 64444.
2. Quarterly sampling for 1,2,3-TCP from Well No. 1 shall begin with the **fourth quarter of 2018** and shall continue every three months thereafter. The Water System shall ensure that the laboratory, which conducts the analysis, submits the analytical results electronically by State Water Board approved method no later than the 10th day following the month in which the analysis was completed.
3. By **September 30, 2018**, public notification to the customers of the Water System shall be conducted and shall continue every three months until the State Water Board determines that the 1,2,3-TCP contamination is resolved. Public Notification shall be conducted in conformance with CCR, Title 22, Sections 64463.4 and 64465. A copy of Sections 64464.1 and 64465 is included in Appendix 1. Appendix 2: Notification Template shall be used to fulfill this directive, unless otherwise approved by the State Water Board.
4. Complete Appendix 3: Certification of Completion of Notification Form. Submit it together with a copy of the public notification conducted in compliance with the public notification requirement listed above to the State Water Board within 10 days following each notification.
5. Prepare for State Water Board approval, a Corrective Action Plan, identifying improvements to the water system designed to correct the water quality problems

identified as an exceedance of the 1,2,3-TCP MCL and ensure that the Water System delivers water to consumers that meets primary drinking water standards. The plan shall include a time schedule for completion of each of the phases of the project such as design, construction, and startup, and a date as of which the Water System will be in compliance with the 1,2,3-TCP MCL, which date shall be no later than **September 30, 2021**.

6. On or before **October 31, 2018**, submit and present the Corrective Action Plan required under Directive No. 5 above in an office meeting, to the State Water Board's office located at 265 W. Bullard Avenue, Suite 101, Fresno CA 93704.
7. Perform the State Water Board approved Corrective Action Plan, and each and every element of said plan, according to the time schedule set forth therein.
8. On or before **January 10, 2019**, and every three months thereafter, submit a report to the State Water Board in the form provided as Appendix 4 showing actions taken during the previous quarter (calendar three months) to comply with the Corrective Action Plan.
9. Not later than ten (10) days following **September 30, 2021**, demonstrate to the State Water Board that the water delivered by the Water System complies with the 1,2,3-TCP MCL.
10. Notify the State Water Board in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if the Water System anticipates it will not timely meet such performance deadline.
11. By **September 30, 2018**, complete and return to the State Water Board the "Notification of Receipt" form attached to this Order as Appendix 5. Completion of this form confirms

1 that the Water System has received this Order and understands that it contains legally
2 enforceable directives with due dates.

3
4 All submittals, with exception of analytical results, required by this Order shall be electronically
5 submitted to the State Water Board at the following address. The subject line for all electronic
6 submittals corresponding to this Order shall include the following information: Water System
7 name and number, compliance order number and title of the document being submitted.

8
9 Jose A. Robledo, P.E., Senior Water Resource Control Engineer
10 State Water Resources Control Board
11 Division of Drinking Water, Fresno District
12 265 W. Bullard Ave, Suite 101
13 Fresno, CA 93704

14 Dwpdist23@waterboards.ca.gov
15

16 The State Water Board reserves the right to make modifications to this Order as it may deem
17 necessary to protect public health and safety. Such modifications may be issued as
18 amendments to this Order and shall be effective upon issuance.

19
20 Nothing in this Order relieves the Water System of its obligation to meet the requirements of the
21 California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270),
22 or any regulation, standard, permit or order issued or adopted thereunder.

23 24 **PARTIES BOUND**

25 This Order shall apply to and be binding upon the Water System, its owners, shareholders,
26 officers, directors, agents, employees, contractors, successors, and assignees.

27 28 **SEVERABILITY**

29 The directives of this Order are severable, and the Water System shall comply with each and
30 every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Water Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Water Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Water Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Water Board. The State Water Board does not waive any further enforcement action by issuance of this Order.



Carl L. Carlucci, P.E., Chief
Central California Section
State Water Resources Control Board
Division of Drinking Water

9-10-2018

Date

Appendices:

1. Applicable Statutes and Regulations
2. Notification Template
3. Certification of Completion of Public Notification
4. Quarterly Progress Report
5. Notification of Receipt



Certified Mail No. 70180040000031597438

**APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR
Compliance Order No. 03_23_18R_028
1,2,3-TCP Maximum Contaminant Level Violation**

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271 states in relevant part:

(a) The state board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The state board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the state board shall refer to the state board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

(k)

(1) The state board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.

(2) The deputy director is delegated the state board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken by the state board, but are not subject to reconsideration by the state board except as provided in Section 116540. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the state board, but any aggrieved person may petition the state board for reconsideration of the decision or action. This subdivision is not a limitation on the state board's authority to delegate any other powers and duties.

Section 116275 states in relevant part:

(c) "Primary drinking water standards" means:

(1) Maximum levels of contaminants that, in the judgment of the state board, may have an adverse effect on the health of persons.

(2) Specific treatment techniques adopted by the state board in lieu of maximum contaminant levels pursuant to subdivision (j) of Section 116365.

(3) The monitoring and reporting requirements as specified in regulations adopted by the state board that pertain to maximum contaminant levels.

Section 116555 states in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
 - (1) Complies with primary and secondary drinking water standards.
 - (2) Will not be subject to backflow under normal operating conditions.
 - (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116577. Enforcement fee states:

- (a) Each public water system shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that water system:
 - (1) Preparing, issuing, and monitoring compliance with, an order or a citation.
 - (2) Preparing and issuing public notification.
 - (3) Conducting a hearing pursuant to Section 116625.
- (b) The state board shall submit an invoice for these enforcement costs to the public water system that requires payment before September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.
- (c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by a public water system under the jurisdiction of the local primacy agency, a public water system shall also reimburse enforcement costs, if any, incurred by the state board pursuant to this section.
- (d) "Enforcement costs," as used in this section, does not include "litigation costs" pursuant to Section 116585.
- (e) The state board shall not be entitled to enforcement costs pursuant to this section if a court determines that enforcement activities were in error.
- (f) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.
- (g) The state board may, at its sole discretion, waive payment by a public water system of all or any part of the invoice or penalty.

Section 116625 (Revocation and suspension of permits) states:

- (a) The state board, after providing notice to the permittee and opportunity for a hearing, may suspend or revoke any permit issued pursuant to this chapter if the state board determines pursuant to the hearing that the permittee is not complying with the permit, this chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this chapter. If the permittee does not request a hearing within the period specified in the notice, the state board may suspend or revoke the permit without a hearing. If the permittee submits a timely request for a hearing, the hearing shall be before the state board or a member of the state board, in accordance with Section 183 of the Water Code and the rules for adjudicative proceedings adopted under Section 185 of the Water Code. If the permit at issue has been temporarily suspended pursuant to subdivision (b), the notice shall be provided within 15 days of the effective date of the temporary suspension order. The commencement of the hearing under this subdivision shall be as soon as practicable, but no later than 60 days after the effective date of the temporary suspension order, unless the state board grants an extension of the 60 day period upon request of the permittee.
- (b) The state board may temporarily suspend any permit issued pursuant to this chapter before any hearing when the action is necessary to prevent an imminent or substantial danger to health. The state board shall notify the permittee of the temporary suspension and the effective date of the temporary suspension and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than 15 days after the effective date of the temporary suspension unless the state board grants an extension of the 15 day period upon request of the permittee, and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing under subdivision (a). The hearing shall be conducted under the rules for adjudicative proceedings adopted by the state board under Section 185 of the Water Code. The temporary suspension shall remain in effect until the hearing under this subdivision is completed and the state board has made a final determination on the temporary suspension, which shall be made within 15 days after the completion of the hearing unless the state board grants an extension of the 15 day period upon request of the permittee. If the determination is not transmitted within 15 days after the hearing is completed, or any extension of this period requested by the permittee, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the state board of jurisdiction to proceed with a hearing on the merits under subdivision (a).

Section 116650 states in relevant part:

- (a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

Section 116701 (Petitions to Orders and Decisions) states:

- (a)
 - (1) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration.
 - (2) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Section 116540, the applicant may petition the state board for reconsideration.
 - (3) Within 30 days of final action by an officer or employee of the state board acting under delegated authority, the owner of a laboratory that was the subject of the final action may petition the state board for reconsideration of any of the following actions:
 - (A) Denial of an application for certification or accreditation under Section 100855.
 - (B) Issuance of an order directing compliance under Section 100875.
 - (C) Issuance of a citation under Section 100880.
 - (D) Assessment of a penalty under subdivision (e) of Section 100880.
- (b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.
- (c) The evidence before the state board shall consist of the record before the officer or employee who issued the order or decision and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.
- (d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.
- (e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision subject to the petition for reconsideration.
- (f) If an order or decision is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 100920.5 or 116700.

California Code of Regulations, Title 22 (CCR):

Section 64444. Maximum Contaminant Levels--Organic Chemicals states:

The MCLs for the primary drinking water chemicals shown in table 64444-A shall not be exceeded in the water supplied to the public.

**Table 64444-A
 Maximum Contaminant Levels Organic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
(a) Volatile Organic Chemicals (VOCs)	
Benzene	0.001
Carbon Tetrachloride	0.0005
1,2-Dichlorobenzene	0.6
1,4-Dichlorobenzene	0.005
1,1-Dichloroethane	0.005
1,2-Dichloroethane	0.0005
1,1-Dichloroethylene	0.006
cis-1,2-Dichloroethylene	0.006
trans-1,2-Dichloroethylene	0.01
Dichloromethane	0.005
1,2-Dichloropropane	0.005
1,3-Dichloropropene	0.0005